

1 TRACY HOPE DAVIS  
United States Trustee for Region 17  
2 U.S. DEPARTMENT OF JUSTICE  
Office of the United States Trustee  
3 1301 Clay Street, Suite 690N  
Oakland, California 94612-5231  
4 Email: Barbara.A.Matthews@usdoj.gov  
Telephone: (510) 637-3200  
5 Facsimile: (510) 637-3220

6 BY: BARBARA A. MATTHEWS (SBN 195084)  
Trial Attorney, Oakland Division  
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9 **UNITED STATES BANKRUPTCY COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **OAKLAND DIVISION**

12 In re )

Case No. 15-40781 WJL

13 )  
14 MOATAZ M. MAASRANI and )  
CLAUDINE S. MAASRANI, )

Chapter 7

15 )  
16 Debtors. )  
17 )

No Hearing Requested

18 **UNITED STATES TRUSTEE'S AMENDED MOTION FOR AN ENLARGEMENT**  
19 **OF TIME TO FILE A MOTION DISMISSING THE CASE UNDER**  
20 **11 U.S.C. § 707(b) OR TO FILE A COMPLAINT OBJECTING TO DISCHARGE**  
21 **UNDER 11 U.S.C. § 727 AND MEMORANDUM OF POINTS AND**  
**AUTHORITIES IN SUPPORT OF HER MOTION**

22 **I. MOTION.**

23 Tracy Hope Davis, the U.S. Trustee for Region 17 (the "United States Trustee"), by and  
24 through her undersigned counsel, pursuant to Rule 9006 of the Federal Rules of Bankruptcy  
25 Procedure and Bankruptcy Local Rule 9006-1 of the rules of this Court ("B.L.R."), moves for an

1 order enlarging the time to object to the Debtor's discharge in this case for sixty (60) days, or  
2 until October 16, 2015. Such relief is needed to allow additional time for the United States  
3 Trustee to take the examination of the Debtors under Rule 2004 of the Federal Rules of  
4 Bankruptcy Procedure so that she can complete her inquiry to determine whether grounds exist  
5 to deny the Debtor's discharge.

6 The combined motion and memorandum of authorities is made and based on the entire  
7 record in this action, and such evidence as may be introduced at the hearing on this motion or  
8 filed to supplement this motion.

## 9 **II. STATEMENT OF FACTS.**

10 1. On March 11, 2015, the Debtors filed a voluntary petition under Chapter 7 of the  
11 Bankruptcy Code. Docket No. 1.

12 2. The Debtors' first meeting of creditors was held on April 17, 2015. (See docket  
13 notes entered 4/30/15). There have been four additional meetings of creditors held on May 15,  
14 2015, June 12, 2015, July 17, 2015, and August 7, 2015. (See docket notes entered on 5/15/15,  
15 6/12/15, 7/17/15 & 8/7/15).

16 3. At their meetings of creditors, the Debtors testified under oath regarding their  
17 assets and liabilities. *Id.* Based upon that testimony and based upon the declaration filed by the  
18 Chapter 7 trustee in support of her objection to the Debtors' motion to convert their case to  
19 Chapter 13, the United States Trustee believes that the Debtors have undervalued their principal  
20 residence on Schedule A, have failed to disclose assets on their Schedule B and made numerous  
21 misstatements and omissions on their Statement of Financial Affairs. Docket Nos. 32, 36, & 57;  
22 Paragraph 5 of the Declaration of Trial Attorney Barbara A. Matthews in Support of the United  
23 States Trustee's Motion for an Enlargement of Time to Dismiss the case under 11 U.S.C.  
24 § 707(b) or to object to the Debtors' Discharge under 11 U.S.C. § 727. ("Matthews  
25 Declaration").

1           4.       There has been one previous time enlargement request or time enlargement  
2 related to the subject matter of this motion, whether by stipulation or Court order. Docket Nos.  
3 27 & 28; Matthews Declaration, ¶ 6.

4           5.       As a result of that enlargement, the last day for the United States Trustee or the  
5 Chapter 7 trustee to file a motion dismissing the case under 11 U.S.C. § 707(b) or a complaint  
6 objecting to discharge under 11 U.S.C. § 727 is August 15, 2015. Docket No. 27 & 28.  
7 August 15, 2015 was a Saturday; therefore, pursuant to Rule 9006(a)(2)(C) of the Federal Rules  
8 of Bankruptcy Procedure, the last day to file a motion dismissing the case under 11 U.S.C.  
9 § 707(b) or a complaint objecting to discharge under 11 U.S.C. § 727 is extended to Monday,  
10 August 17, 2015. Matthews Declaration, ¶ 7.

11           6.       If the Court grants the U.S. Trustee's request to enlarge the deadline to dismiss  
12 the case or to object to discharge, the enlargement will have no effect on the schedule for the  
13 case. *See Entire PACER Docket*; Matthews Declaration, ¶ 8.

14           7.       In an effort to obtain a stipulation to enlarge the deadline to dismiss the case or to  
15 object to discharge, the United States Trustee's counsel contacted the Debtor's counsel, Robert  
16 L. Shepard, by email on Friday, August 14, 2015. As of the date of filing this motion, she has  
17 not received a reply from the Debtors' counsel. Matthews Declaration, ¶ 9.

18           8.       Because the current deadline to move to dismiss this case under 11 U.S.C.  
19 § 707(b) or to object to the debtor's discharge under 11 U.S.C. § 727 will expire on August 17,  
20 2015, the United States Trustee makes a request for an enlargement of time. Matthews  
21 Declaration, ¶ 10.

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1 **III. POINTS AND AUTHORITIES.**

2 **A. The U.S. Trustee's Motion to Extend the Deadline for Dismissing the**  
3 **Case under Section 707(b) or Objecting to the Debtors' Discharge Under**  
4 **Section 727 Complies with the Requirements of Rule 4004(b) of the**  
5 **Federal Rules of Bankruptcy Procedure.**

6 Rule 4004(b) of the Federal Rules of Bankruptcy Procedure fixes the time by which a  
7 motion dismissing a case under section 707(b) or a complaint objecting to discharge under  
8 section 727 must be filed to no later than sixty (60) days after the date first set for the first  
9 meeting of creditors. Rule 4004(b) also provides that on motion, the Court may extend the  
10 deadline where cause exists to extend the deadline and (2) the motion to extend was filed before  
11 the time expired under Rule 4004(a).

12 In this case, the last day to object to the Debtor's discharge is now August 17, 2015  
13 because Debtor and the Chapter 7 trustee on behalf of United States Trustee have already agreed  
14 to one enlargement of time. See Docket Nos. 27 & 28; Matthews Declaration, ¶ 7. Cause exists  
15 to enlarge this deadline again because based upon the Debtors' testimony at their meetings of  
16 creditors and based upon the declaration filed by the Chapter 7 trustee in support of her objection  
17 to the Debtors' motion to convert their case to Chapter 13, the United States Trustee believes that  
18 the Debtors have undervalued their principal residence on Schedule A, have failed to disclose  
19 assets on their Schedule B and made numerous misstatements and omissions on their Statement  
20 of Financial Affairs. Docket No. 32 & 36; Matthews Declaration, ¶ 5. Finally since this motion  
21 will be filed on or before the August 17, 2015 deadline to object to the Debtor's discharge, the  
22 U.S. Trustee's request is timely.

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1                   **B. The U.S. Trustee's Motion to Extend the Deadline for Dismissing the**  
2                   **Debtors' Case Under Section 707(b) or Objecting to the Debtors'**  
3                   **Discharge Under Section 727 Complies with the Requirements of**  
4                   **Bankruptcy Local Rule 9006-1(c).**

5                   Further, B.L.R. 9006-1(c) sets forth the requirements a movant must comply with when  
6                   the movant seeks to enlarge time by motion rather than by stipulation.

7                   **1. The U.S. Trustee's Motion for an Enlargement of the Deadline to**  
8                   **Dismiss the Debtors' Case Under Section 707(b) or Object to the**  
9                   **Debtor's Discharge Under Section 727 Complies with the**  
10                  **Requirements of Bankruptcy Local Rule 9006-1(c)(2) to (4).**

11                  B.L.R. 9006-1(c)(2) to (c)(4) requires the movant to advise the Court as to (i) any  
12                  previous requests for enlargements or any previous enlargements related to the request to extend  
13                  the discovery cut-off date, (ii) the effect that requested time enlargement would have on the  
14                  schedule for the case, and (iii) the efforts made to speak with the respondent, and if the movant  
15                  has spoken with the respondent, the reason given for the refusal to agree to the request.

16                  The U.S. Trustee contends that she has complied with these requirements. The last day to  
17                  object to the Debtor's discharge is August 17, 2015. There has been one previously stipulated  
18                  time enlargement request or time enlargement related to the subject matter of this motion,  
19                  whether by stipulation or Court order. Docket Nos. 27 & 28; Matthews Declaration, ¶ 6. If the  
20                  Court grants the United States Trustee's request for an enlargement of the deadline to move to  
21                  dismiss the case under 11 U.S.C. § 707(b) or to object to the Debtor's discharge under 11 U.S.C.  
22                  § 727, there will be no effect of the schedule of the case. *See* Entire PACER Docket; Matthews  
23                  Declaration, ¶ 8.

24                  Finally, in an effort to stipulate to an enlargement of the discovery cut-off date under  
25                  B.L.R. 9006-1(b), counsel for the U.S. Trustee contacted, the Debtor's counsel, by e-mail and  
26                  asked if he would agree to an enlargement of the deadline to move to dismiss the case or to  
27                  object to the Debtor's discharge. Matthews Declaration, ¶ 9. Mr. Shepard, the Debtors' counsel  
28                  did not reply to the United States Trustee's e-mail. Matthews Declaration, ¶ 10.

1                   **2. The U.S. Trustee's Motion for an Enlargement of the Deadline to**  
2                   **Dismiss the Debtors' Case Under Section 707(b) or Object to the**  
3                   **Debtor's Discharge Under Section 727 Complies with the**  
4                   **Requirements of Bankruptcy Local Rule 9006-1(c)(1).**

5                   B.L.R 9006-1(c)(1) requires the movant to advise the Court of the reasons than an  
6 enlargement of time is requested. As set forth above, the Debtors have undervalued their  
7 principal residence on Schedule A, have failed to disclose assets on their Schedule B and made  
8 numerous misstatements and omissions on their Statement of Financial Affairs. Docket Nos. 32  
9 & 36; Matthews Declaration, ¶ 5. The United States Trustee believes that there are other  
10 instances of this type of misconduct and needs further time to complete her inquiry. Since the  
11 deadline to object to the Debtor's discharge is Monday, August 17, 2015, the United States  
12 Trustee will need an enlargement of the deadline so that she can take the Rule 2004 examination  
13 of the Debtors and others with relevant information. Therefore, the United States Trustee  
14 requests a sixty (60) day enlargement of the deadline to object to the Debtor's discharge, or until  
15 October 16, 2015.

16                   Based upon the foregoing, the U.S. Trustee has established sufficient cause for the Court  
17 to grant her motion to enlarge the deadline to move to dismiss the case or object to the Debtor's  
18 discharge.

19                   WHEREFORE, the U.S. Trustee requests that the Court grant a sixty (60) day  
20 enlargement the deadline to move to dismiss the case or to object to the Debtor's discharge until  
21 October 16, 2015, and that the Court provides such other and further relief as the Court deems  
22 just and appropriate.

23                   Dated: August 16, 2015

24                   TRACY HOPE DAVIS  
25                   U.S. Trustee for Region 17

/s/Barbara A. Matthews /  
BARBARA A. MATTHEWS  
Trial Attorney, Oakland Division